

**CITY OF NEWPORT BEACH**  
**PLANNING COMMISSION SUPPLEMENTAL STAFF REPORT**

January 17, 2013 Meeting  
Agenda Item 3

**SUBJECT:** Residential Lot Merger Code Amendment - (PA2012-102)  
▪ Code Amendment CA2012-007

**APPLICANT:** City of Newport Beach

**PLANNER:** Patrick J. Alford, Planning Manager  
(949) 644-3235, [palford@newportbeachca.gov](mailto:palford@newportbeachca.gov)

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Staff has determined that minor revisions to the proposed code amendment are needed in order to clarify that proposed regulation would only apply to those lots where the lot width was increased by more than fifty (50) percent. These changes have been incorporated into both the text of the draft resolution and Exhibit A. The new edits are highlighted.

Prepared by:



Patrick J. Alford, Planning Manager

Submitted  
by:



Brenda Wisneski, AICP, Deputy Director

**ATTACHMENTS**

Revised Draft Resolution



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF NEWPORT BEACH RECOMMENDING CITY COUNCIL  
ADOPTION OF CODE AMENDMENT NO. CA2012-007  
RESTRICTING THE MAXIMUM ALLOWABLE RESIDENTIAL  
FLOOR AREA ON LOT RECONFIGURATIONS RESULTING IN  
LOT WIDTH INCREASES OF MORE THAN FIFTY PERCENT  
(PA2012-102)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. On August 14, 2012, the City Council initiated an amendment of the Zoning Code and the Subdivision Code that would modify residential development standards so that the future merger of two or more lots in the single-unit and two-unit zoning districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport would result in no net increase in the maximum allowable floor area that existed prior to the merger.
2. A public hearing was held on January 17, 2013, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

The code amendment is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations) because the properties involved have an average slope of less than 20 percent; and the and proposed amendment would not result in any changes in land use or density.

SECTION 3. FINDINGS.

1. Parcel maps, lot line adjustments, and lot mergers can result in the elimination of setback areas resulting in larger buildable areas and potentially larger residential units.
2. The proposed amendment will modify the residential development standards of the R-1, R-BI, and R-2 Zoning Districts so that any existing lot in Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport that has been reconfigured by a lot merger, lot line adjustment, or parcel map that resulted in an increased lot width of more than fifty (50) percent on the largest of the lots involved in the reconfiguration, the maximum gross floor area permitted on the lot shall not exceed that which would have otherwise been permitted if the lots were developed individually prior to the reconfiguration.

**NOW, THEREFORE, BE IT RESOLVED:**

The Planning Commission of the City of Newport Beach hereby recommends approval of Code Amendment No. CA2012-007 as set forth in Exhibit "A."

**PASSED, APPROVED AND ADOPTED THIS \_17th DAY OF JANUARY, 2013.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Michael Toerge, Chairman

BY: \_\_\_\_\_  
Fred Ameri, Secretary

**EXHIBIT A**  
**Code Amendment No. CA2012-007**

**Section 19.12.070.A**

A. Required Findings for Approval. In approving a tentative tract map or tentative parcel map, the decision making body shall make all of the following findings:

1. That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code;
2. That the site is physically suitable for the type and density of development;
3. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;
4. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems;
5. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision;
6. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land;
7. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) There is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area;

8. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act;
9. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources;
10. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board; ~~and~~
11. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act; ~~and~~
12. For subdivisions involving the reconfiguration of existing lots within the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport, as identified in the Zoning Code: when the reconfiguration results in an increase in the lot width of more than fifty (50) percent on the largest lot involved in the reconfiguration, the maximum gross floor area permitted on this lot shall not exceed that which would have otherwise been permitted if the lots were developed individually prior to the reconfiguration.

#### **Section 19.68.030.H**

H. Required Findings. All of the following findings shall be made prior to approval of a lot merger:

1. Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title; and
2. The lots to be merged are under common fee ownership at the time of the merger; and
3. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan; and
4. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger; and
5. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.

6. Within the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport, as identified in the Zoning

Code: when lots as merged result in an increase in the lot width of more than fifty (50) percent, the maximum gross floor area permitted shall not exceed that which would have otherwise been permitted if these lots were developed individually prior to the reconfiguration.

#### **Section 19.76.020.I.6**

6. That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key lot, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street side setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.

A. Within the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport, as identified in the Zoning Code: when a lot line adjustment results in an increase in the lot width of more than fifty (50) percent on the largest lot involved in the reconfiguration, the maximum gross floor area permitted on the lot shall not exceed that which would have otherwise been permitted if these lots were developed individually prior to the lot line adjustment.

**Section 20.18.030, Table 2-2**

**TABLE 2-2**

**DEVELOPMENT STANDARDS FOR SINGLE-UNIT  
RESIDENTIAL ZONING DISTRICTS**

<b>Development Feature</b>	<b>R-A</b>	<b>R-1</b>	<b>R-1- 6,000</b>	<b>R-1- 7,200</b>	<b>R-1- 10,000</b>	<b>Additional Requirements</b>
Lot Dimensions	Minimum dimensions required for each newly created lot.					
Lot Area (1) (2)						
Corner lot	87,120 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	7,200 sq. ft.	10,000 sq. ft.	
Interior lot	87,120 sq. ft.	5,000 sq. ft.	6,000 sq. ft.	7,200 sq. ft.	10,000 sq. ft.	
Lot Width						
Corner lot	125 ft.	60 ft.	60 ft.	70 ft.	90 ft.	
Interior lot	125 ft.	50 ft.	60 ft.	70 ft.	90 ft.	
Lot Depth	N/A	N/A	80 ft.	90 ft.	100 ft.	
Density/Intensity	Each legal lot shall be allowed one single-unit detached dwelling.					
Setbacks	The distances below are minimum setbacks required for primary structures. See Section 20.30.110 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. The following setbacks shall apply, unless different requirements are identified on the setback maps in which case the setback maps shall control. (See Part 8 of this title.) Side and rear setback areas shown on the setback maps shall be considered front setback areas for the purpose of regulating accessory structures. Also refer to Section 20.48.180 (Residential Development Standards and Design Criteria).					
Front:	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20.30.110 20.48.180
Side (interior, each):						20.30.110 20.48.180
Lots 40 ft. wide or less	5 ft.	3 ft. (4)	6 ft.	5 ft.	10 ft.	
Lots wider than 40 ft.	5 ft.	4 ft.	6 ft.	5 ft.	10 ft.	
Side (street side):						20.30.110 20.48.180
Lots 40 ft. wide or less	5 ft.	3 ft.	6 ft.	5 ft.	10 ft.	
Lots wider than 40 ft.	5 ft.	4 ft.	6 ft.	5 ft.	10 ft.	
Rear:	25 ft.	10 ft.	6 ft.	20 ft.	10 ft.	Lots abutting a 10



Abutting Alley:						ft. alley or less that are directly across the alley from the side yard of a lot abutting an alley shall provide a setback for the first floor of at least 10 ft. from the alley.
10 ft. wide or less	N/A	5 ft.	N/A	N/A	N/A	
15 ft. wide or less	N/A	5 ft.	N/A	N/A	N/A	
15'1" to 19'11"	N/A	3'9"	N/A	N/A	N/A	
20 ft. wide or more	N/A	0	N/A	N/A	N/A	
Bluff edge setback	As provided in Section 20.28.040 (Bluff (B) Overlay District).					
Bulkhead setback	Structures shall be set back a minimum of 10 ft. from the bulkhead in each zoning district.					
Site Coverage	Maximum percentage of the total lot area that may be covered by structures.					
Lots 40 ft. wide or less	N/A	N/A	60%	60%	60%	
Lots wider than 40 ft.	40%	N/A	60%	60%	60%	
Floor Area Limit (gross floor area)	N/A		N/A			
Citywide		2.0 (5)(6) <u>(7)</u>				
Corona del Mar		1.5 (5)(6) <u>(7)</u>				
Height (3)	Maximum height of structures without discretionary approval. See Section 20.30.060(C) (Increase in Height Limit) for possible increase in height limit.					
Flat roof	24 ft.	24 ft.	24 ft.	35 ft. and 2 stories	24 ft.	See 20.30.060(C)(2) (Height Limit Areas) and 20.30.060(B) (Height of Structures and Measurement)
Sloped roof; minimum 3/12 pitch	29 ft.	29 ft.	29 ft.	40 ft. and 2 stories	29 ft.	
Bluffs	See Section 20.28.040 (Bluff (B) Overlay District).					
Fencing	See Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls).					
Landscaping	See Chapter 20.36 (Landscaping Standards).					
Lighting	See Section 20.30.070 (Outdoor Lighting).					
Parking	See Chapter 20.40 (Off-Street Parking).					
Satellite Antennas	See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).					
Signs	See Chapter 20.42 (Sign Standards).					

Residential Development Standards	See Section 20.48.180 (Residential Development Standards and Design Criteria).
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Notes:

- (1) All development and the subdivision of land shall comply with the requirements of Title 19 (Subdivisions).
- (2) Lots may be subdivided so that the resulting lot area and dimensions for each new lot are less than that identified in this table in compliance with the provisions of Title 19 (Subdivisions). The minimum lot size shall not be less than the original underlying lots on the same block face and in the same zoning district. Lot width and length may vary according to the width and depth of the original underlying lots. New subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow are not permitted unless authorized by an amendment of the General Plan (GPA).
- (3) On the bluff side of Ocean Boulevard, the maximum height shall not exceed the elevation of the top of the curb abutting the lot.
- (4) Side setback areas for lots designated Special Fire Protection Areas shall be a minimum of five feet unless reduced by the Fire Marshal.
- (5) The floor area of a subterranean basement is not included in the calculation of total gross floor area.
- (6) The maximum gross floor area for a residential structure is determined by multiplying either 1.5 or 2.0 times the buildable area of the lot.

(7) In the R-1 Zoning District of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, or West Newport: existing lots reconfigured by a lot merger, lot line adjustment, or parcel map after [EFFECTIVE DATE] that resulted in an increase in the lot width of more than fifty (50) percent on the largest of lots involved in the reconfiguration, the maximum gross floor area permitted on the lot shall not exceed that which would have otherwise been permitted if these lots were developed individually prior to the reconfiguration.

**TABLE 2-3**

**DEVELOPMENT STANDARDS FOR TWO-UNIT AND MULTI-UNIT  
RESIDENTIAL ZONING DISTRICTS**

<b>Development Feature</b>	<b>R-BI</b>	<b>R-2</b>	<b>R-2-6,000</b>	<b>Additional Requirements</b>
Lot Dimensions	Minimum dimensions required for each newly created lot.			
Lot Area (1) (2) (3)				
Corner lot	2,375 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	
Interior lot	2,375 sq. ft.	5,000 sq. ft.	6,000 sq. ft.	
Lot Width				
Corner lot	60 ft.	60 ft.	60 ft.	
Interior lot	50 ft.	50 ft.	60 ft.	
Lot Depth	N/A	N/A	80 ft.	
Site Area per Dwelling Unit	Minimum required site area per dwelling unit based on net area of the lot.			
	1,000 sq. ft.	1,000 sq. ft.	3,000 sq. ft.	
	No more than 2 units per lot			
Site Coverage	Maximum percentage of the total lot area that may be covered by structures.			
	N/A	N/A	60%	
Floor Area Limit (9) (gross floor area)	1.5 plus 200 sq. ft. <u>(10)</u>	2.0 Citywide (8) 1.5 Corona del Mar (8) <u>(10)</u>	N/A	
Setbacks	The distances below are minimum setbacks required for primary structures. See Section 20.30.110 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. The following setbacks shall apply, unless different requirements are identified on the setback maps in which case the setback maps shall control. (See Part 8 of this title.) Side and rear setback areas shown on the setback maps shall be considered front setback areas for the purpose of regulating accessory structures. Also refer to Section 20.48.180 (Residential Development Standards and Design Criteria).			
Front:	20 ft.	20 ft.	20 ft.	

Side (interior, each):				
Lots 40 ft. wide or less	3 ft.	3 ft.	6 ft.	
Lots 40'1" wide to 49'11" wide	4 ft.	4 ft.	6 ft.	
Lots 50 ft. wide and greater	N/A	4 ft.	6 ft.	
Side (street side):				
Lots 40 ft. wide or less	3 ft. <u>(10)</u>	3 ft.	N/A	
Lots 40'1" wide to 49'11" wide	4 ft.	4 ft.	N/A	
Lots 50 ft. wide and greater	N/A	N/A	6 ft.	
Rear:	10 ft.	10 ft.	6 ft.	Lots abutting a 10 ft. alley or less that are directly across the alley from the side yard of a lot abutting the alley shall provide a setback for the first floor of at least 10 ft. from the alley.
Abutting Alley				
10 ft. wide or less	5 ft.	5 ft.	N/A	
15 ft. wide or less	5 ft.	5 ft.	N/A	
15'1" to 19'11"	3'9"	3'9"	N/A	
20 ft. wide or more	0	0	N/A	
Waterfront	10 ft.	10 ft.	N/A	
Bluff edge setback	As provided in Section 20.28.040 (Bluff (B) Overlay District).			
Bulkhead setback	Structures shall be set back a minimum of 10 ft. from the bulkhead in each zoning district.			
Height (6)	Maximum height of structures without discretionary approval. See Section 20.30.060(C) (Increase in Height Limit) for possible increase in height limit.			
Flat roof	24 ft.	24 ft.	24 ft.	See Section 20.30.060(C) (Increase in Height Limit)
Sloped roof; minimum 3/12 pitch	29 ft.	29 ft.	29 ft.	
Bluffs	See Section 20.28.040 (Bluff (B) Overlay District).			
Fencing	See Section 20.30.040 (Fences, Hedges, Walls and Retaining Walls).			
Landscaping	See Chapter 20.36 (Landscaping Standards).			
Lighting	See Section 20.30.070 (Outdoor Lighting).			
Parking	See Chapter 20.40 (Off-Street Parking).			

Satellite Antennas	See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).
Signs	See Chapter 20.42 (Sign Standards).
Residential Development Standards	See Section 20.48.180.

Notes:

- (1) All development and the subdivision of land shall comply with the requirements of Title 19 (Subdivisions).
- (2) Lots may be subdivided so that the resulting lot area and dimensions for each new lot are less than that identified in this table in compliance with the provisions of Title 19 (Subdivisions). The minimum lot size shall not be less than the original underlying lots on the same block face and in the same zoning district. Lot width and length may vary according to the width and depth of the original underlying lots. New subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow are not permitted unless authorized by an amendment of the General Plan (GPA).
- (3) On a site of less than five thousand (5,000) square feet that existed prior to March 10, 1976, a two-family dwelling may be constructed; provided, that there shall be not less than one thousand (1,000) square feet of land area for each dwelling unit.
- (4) The total gross floor area contained in all buildings and structures on a development site shall not exceed 1.75 times the buildable area of the site or 1.5 times the buildable area of the site in Corona del Mar; provided, that up to two hundred (200) square feet of floor area per required parking space devoted to enclosed parking shall not be included in calculations of total gross floor area.
- (5) Interior and street side setback areas are not required to be wider than fifteen (15) feet; however, the side setback area on the street side of a corner lot, where the abutting lot has a reversed frontage, shall not be less than the front setback area required on the abutting reversed frontage.
- (6) On the bluff side of Ocean Boulevard, the maximum height shall not exceed the elevation of the top of the curb abutting the lot.
- (7) Portions of legal lots that have a slope greater than two-to-one (2:1) or that are submerged lands or tidelands shall be excluded from the land area of the lot for the purpose of determining the allowable number of units.
- (8) The floor area of a subterranean basement is not included in the calculation of total gross floor area.
- (9) The maximum gross floor area for a residential structure is determined by multiplying either 1.5 or 2.0 times the buildable area of the lot.
- (10) In the R-BI and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, or West Newport: existing lots reconfigured by a lot merger, lot line adjustment, or parcel map after [EFFECTIVE DATE] that resulted in an increase in the lot width of more than fifty (50) percent on the largest of lots involved in the reconfiguration, the maximum gross floor area permitted on the lot shall not exceed that which would have otherwise been permitted if these lots were developed individually prior to the reconfiguration.

**CITY OF NEWPORT BEACH**  
**PLANNING COMMISSION STAFF REPORT**

January 17, 2013 Meeting  
Agenda Item 3

**SUBJECT:** Residential Lot Merger Code Amendment - (PA2012-102)  
▪ Code Amendment CA2012-007

**APPLICANT:** City of Newport Beach

**PLANNER:** Patrick J. Alford, Planning Manager  
(949) 644-3235, [palford@newportbeachca.gov](mailto:palford@newportbeachca.gov)

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**PROJECT SUMMARY**

An amendment to the Zoning Code (Title 20) and the Subdivision Code (Title 19) that would modify residential development standards so that the merger/reconfiguration of two or more lots would not result in an increase in the maximum amount of floor area that could have otherwise been developed prior to the merger/reconfiguration. The proposed amendment would apply only to properties located in the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport where a parcel map, lot line adjustment, or lot merger results in an increase in lot width greater than 50 percent.

**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. \_\_\_\_ (Attachment PC 1) recommending City Council approval of Code Amendment CA2012-107 .



## **INTRODUCTION**

### **Background**

On August 14, 2012, the City Council initiated an amendment of the Zoning Code and the Subdivision Code that would modify residential development standards so that the merger of two or more lots would result in no net decrease in the setback area and no net increase in the buildable area. Staff was further directed that the amendment would only apply to the single-unit and two-unit zoning districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport.

## **DISCUSSION**

### **Proposed Amendment**

The proposed amendment would modify the residential development standards of the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport. Lots reconfigured by a lot merger, lot line adjustment, or parcel map after effective date of the amendment that result in an increase in the lot width of more than fifty (50) percent would exceed the maximum gross floor area permitted prior to the reconfiguration. This would be accomplished by adding appropriate notes to the Tables 2-2 and Table 2-3 of Section 20.18.030 of the Zoning Code.

In addition, Sections 19.12.070.A, 19.68.030.O, and 19.76.020.I.6 of the Subdivision Code would be amended to add new required findings for the approval of parcel maps, lot mergers, and lot line adjustments to ensure that these restrictions are identified early in the application process and that future lot configuration projects are appropriately conditioned.

The proposed changes to these sections are provided in Exhibit A of the draft resolution (Attachment PC 1).

### **Analysis**

Most of the City's residential zoning districts (R-1, R-BI, R-2, and RM) have a maximum floor area limit based on the "buildable area" for the lot. "Buildable area" is defined as the area of a lot, excluding the minimum front, side, and rear setback areas. When abutting residential lots are merged, setback areas are eliminated resulting in a larger buildable area and potentially larger homes. As shown in Table 1 below, the merger of two lots with typical dimension/setback configurations result in an 8.33 percent increase in the buildable area and resulting allowable floor area than which would otherwise



occur if the two lots were developed individually. If three lots are merged, buildable area/floor area increases 13.89 percent. These potential increases in floor area can lead to neighborhood compatibility issues.

Table 1			
Corona del Mar - 30' x 118' lots (3540 sf each) with 20' front setback, 3' side setbacks, and 5' rear setback; 1.5 Floor Area Limit			
	2 lots Developed Individually	2 Lots Merged	Increase
Buildable (sf)	4,464	4,836	8.33%
Floor Area (sf)	6,696	7,254	
	3 lots Developed Individually	3 Lots Merged	Increase
Buildable (sf)	6,696	7,626	13.89%
Floor Area (sf)	10,044	11,439	
Balboa Peninsula - 30' x 95' lots (2850 sf each) with 10' front setback, 3' side setbacks, and 5' rear setback; 2.0 Floor Area Limit			
	2 lots Developed Individually	2 Lots Merged	Increase
Buildable (sf)	3360	3640	8.33%
Floor Area (sf)	6720	7280	
	3 lots Developed Individually	3 Lots Merged	Increase
Buildable (sf)	5,040	5,740	13.89%
Floor Area (sf)	10,080	11,480	
Balboa Island - 30' x 85' lots (2550 sf each) with 10' front setback, 3' side setbacks, and 5' rear setback; 1.5 Floor Area Limit			
	2 lots Developed Individually	2 Lots Merged	Increase
Buildable (sf)	2880	3120	8.33%
Floor Area (sf)	4320	6240	
	3 lots Developed Individually	3 Lots Merged	Increase
Buildable (sf)	4,320	7,380	13.89%
Floor Area (sf)	6,480	8,505	

Staff explored various approaches to implementing the Council's direction that future mergers result in no net decrease in the setback areas and buildable areas. Increasing the side setbacks to keep the buildable area (and floor area) the same was considered; however, side setbacks of six (6) feet or more would be required in many cases, which would present new neighborhood compatibility issues. In the end, the best approach would be to simply restrict the maximum allowable floor area to that which existed prior to the lot merger. It was also decided to limit to restriction to lot reconfigurations that

increase in the lot width by more than 50 percent in order to avoid apply this restriction to lot reconfigurations that do not result in excessively large lots.

#### Environmental Review

This item is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations) because the properties involved have an average slope of less than 20 percent; and the and proposed amendment would not result in any changes in land use or density.

#### Public Notice

Notice of this amendment was published in the Daily Pilot, including an eighth page advertisement, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website and a notice of this item was mailed to the community associations of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport.

Prepared by:

Submitted  
by:



Patrick J. Alford, Planning Manager



Brenda Wisneski, AICP, Deputy Director

#### ATTACHMENTS

PC 1 Draft Resolution



# **Attachment No. PC 1**

Draft Resolution



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THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

**SECTION 1. STATEMENT OF FACTS.**

1. On August 14, 2012, the City Council initiated an amendment of the Zoning Code and the Subdivision Code that would modify residential development standards so that the merger of two or more lots in the single-unit and two-unit zoning districts of Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport would result no net increase in the maximum allowable floor area that existed prior to the merger.
2. A public hearing was held on January 17, 2013, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

**SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

The code amendment is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations) because the properties involved have an average slope of less than 20 percent; and the and proposed amendment would not result in any changes in land use or density.

**SECTION 3. FINDINGS.**

1. Parcel maps, lot line adjustments, and lot mergers can result in the elimination of setback areas resulting in larger buildable areas and potentially larger residential units.
2. The proposed amendment will modify the residential development standards of the R-1, R-BI, and R-2 Zoning Districts so that any existing lot in the areas of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport that has been reconfigured by a lot merger, lot line adjustment, or parcel map results in an increase in the lot width of more than fifty (50) percent, the maximum gross floor area permitted would not exceed that which existed prior to the reconfiguration.

**NOW, THEREFORE, BE IT RESOLVED:**

The Planning Commission of the City of Newport Beach hereby recommends approval of Code Amendment No. CA2012-007 as set forth in Exhibit "A."

**PASSED, APPROVED AND ADOPTED THIS \_17th DAY OF JANUARY, 2013.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Michael Toerge, Chairman

BY: \_\_\_\_\_  
Fred Ameri, Secretary

**EXHIBIT A**  
**Code Amendment No. CA2012-007**

**Section 19.12.070.A**

A. Required Findings for Approval. In approving a tentative tract map or tentative parcel map, the decision making body shall make all of the following findings:

1. That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code;
2. That the site is physically suitable for the type and density of development;
3. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;
4. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems;
5. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision;
6. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land;
7. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) There is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area;



8. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act;
9. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources;
10. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board; and
11. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.
12. For subdivisions involving the reconfiguration of existing lots within the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport, as identified in the Zoning Code, when the reconfiguration results in an increase in the lot width of more than fifty (50) percent, the maximum gross floor area permitted shall not exceed that which existed prior to the reconfiguration.

#### **Section 19.68.030.H**

H. Required Findings. All of the following findings shall be made prior to approval of a lot merger:

1. Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title; and
2. The lots to be merged are under common fee ownership at the time of the merger; and
3. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan; and
4. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger; and
5. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.
6. Within the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport, as identified in the Zoning Code, when lots as merged result in an increase in the lot width of more than fifty (50)

percent, the maximum gross floor area permitted shall not exceed that which existed prior to the merger.

#### **Section 19.76.020.I.6**

6. That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key lot, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street side setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.

A. Within the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport, as identified in the Zoning Code, when a lot line adjustment results in an increase in the lot width of more than fifty (50) percent, the maximum gross floor area permitted shall not exceed that which existed prior to the lot line adjustment.

**Section 20.18.030, Table 2-2**

**TABLE 2-2**

**DEVELOPMENT STANDARDS FOR SINGLE-UNIT  
RESIDENTIAL ZONING DISTRICTS**

<b>Development Feature</b>	<b>R-A</b>	<b>R-1</b>	<b>R-1- 6,000</b>	<b>R-1- 7,200</b>	<b>R-1- 10,000</b>	<b>Additional Requirements</b>
Lot Dimensions	Minimum dimensions required for each newly created lot.					
Lot Area (1) (2)						
Corner lot	87,120 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	7,200 sq. ft.	10,000 sq. ft.	
Interior lot	87,120 sq. ft.	5,000 sq. ft.	6,000 sq. ft.	7,200 sq. ft.	10,000 sq. ft.	
Lot Width						
Corner lot	125 ft.	60 ft.	60 ft.	70 ft.	90 ft.	
Interior lot	125 ft.	50 ft.	60 ft.	70 ft.	90 ft.	
Lot Depth	N/A	N/A	80 ft.	90 ft.	100 ft.	
Density/Intensity	Each legal lot shall be allowed one single-unit detached dwelling.					
Setbacks	The distances below are minimum setbacks required for primary structures. See Section 20.30.110 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. The following setbacks shall apply, unless different requirements are identified on the setback maps in which case the setback maps shall control. (See Part 8 of this title.) Side and rear setback areas shown on the setback maps shall be considered front setback areas for the purpose of regulating accessory structures. Also refer to Section 20.48.180 (Residential Development Standards and Design Criteria).					
Front:	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20.30.110 20.48.180
Side (interior, each):						20.30.110 20.48.180
Lots 40 ft. wide or less	5 ft.	3 ft. (4)	6 ft.	5 ft.	10 ft.	
Lots wider than 40 ft.	5 ft.	4 ft.	6 ft.	5 ft.	10 ft.	
Side (street side):						20.30.110 20.48.180
Lots 40 ft. wide or less	5 ft.	3 ft.	6 ft.	5 ft.	10 ft.	
Lots wider than 40 ft.	5 ft.	4 ft.	6 ft.	5 ft.	10 ft.	
Rear:	25 ft.	10 ft.	6 ft.	20 ft.	10 ft.	Lots abutting a 10

Abutting Alley:						ft. alley or less that are directly across the alley from the side yard of a lot abutting an alley shall provide a setback for the first floor of at least 10 ft. from the alley.
10 ft. wide or less	N/A	5 ft.	N/A	N/A	N/A	
15 ft. wide or less	N/A	5 ft.	N/A	N/A	N/A	
15'1" to 19'11"	N/A	3'9"	N/A	N/A	N/A	
20 ft. wide or more	N/A	0	N/A	N/A	N/A	
Bluff edge setback	As provided in Section 20.28.040 (Bluff (B) Overlay District).					
Bulkhead setback	Structures shall be set back a minimum of 10 ft. from the bulkhead in each zoning district.					
Site Coverage	Maximum percentage of the total lot area that may be covered by structures.					
Lots 40 ft. wide or less	N/A	N/A	60%	60%	60%	
Lots wider than 40 ft.	40%	N/A	60%	60%	60%	
Floor Area Limit (gross floor area)	N/A		N/A			
Citywide		2.0 (5)(6) (7)				
Corona del Mar		1.5 (5)(6) (7)				
Height (3)	Maximum height of structures without discretionary approval. See Section 20.30.060(C) (Increase in Height Limit) for possible increase in height limit.					
Flat roof	24 ft.	24 ft.	24 ft.	35 ft. and 2 stories	24 ft.	See 20.30.060(C)(2) (Height Limit Areas) and 20.30.060(B) (Height of Structures and Measurement)
Sloped roof; minimum 3/12 pitch	29 ft.	29 ft.	29 ft.	40 ft. and 2 stories	29 ft.	
Bluffs	See Section 20.28.040 (Bluff (B) Overlay District).					
Fencing	See Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls).					
Landscaping	See Chapter 20.36 (Landscaping Standards).					
Lighting	See Section 20.30.070 (Outdoor Lighting).					
Parking	See Chapter 20.40 (Off-Street Parking).					
Satellite Antennas	See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).					
Signs	See Chapter 20.42 (Sign Standards).					

Residential Development Standards	See Section 20.48.180 (Residential Development Standards and Design Criteria).
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Notes:

- (1) All development and the subdivision of land shall comply with the requirements of Title 19 (Subdivisions).
- (2) Lots may be subdivided so that the resulting lot area and dimensions for each new lot are less than that identified in this table in compliance with the provisions of Title 19 (Subdivisions). The minimum lot size shall not be less than the original underlying lots on the same block face and in the same zoning district. Lot width and length may vary according to the width and depth of the original underlying lots. New subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow are not permitted unless authorized by an amendment of the General Plan (GPA).
- (3) On the bluff side of Ocean Boulevard, the maximum height shall not exceed the elevation of the top of the curb abutting the lot.
- (4) Side setback areas for lots designated Special Fire Protection Areas shall be a minimum of five feet unless reduced by the Fire Marshal.
- (5) The floor area of a subterranean basement is not included in the calculation of total gross floor area.
- (6) The maximum gross floor area for a residential structure is determined by multiplying either 1.5 or 2.0 times the buildable area of the lot.

(7) In the R-1 Zoning District of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, or West Newport, existing lots reconfigured by a lot merger, lot line adjustment, or parcel map after [EFFECTIVE DATE] that resulted in an increase in the lot width of more than fifty (50) percent, the maximum gross floor area permitted shall not exceed that which existed prior to the reconfiguration.

**TABLE 2-3**

**DEVELOPMENT STANDARDS FOR TWO-UNIT AND MULTI-UNIT  
RESIDENTIAL ZONING DISTRICTS**

<b>Development Feature</b>	<b>R-BI</b>	<b>R-2</b>	<b>R-2-6,000</b>	<b>Additional Requirements</b>
Lot Dimensions	Minimum dimensions required for each newly created lot.			
Lot Area (1) (2) (3)				
Corner lot	2,375 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	
Interior lot	2,375 sq. ft.	5,000 sq. ft.	6,000 sq. ft.	
Lot Width				
Corner lot	60 ft.	60 ft.	60 ft.	
Interior lot	50 ft.	50 ft.	60 ft.	
Lot Depth	N/A	N/A	80 ft.	
Site Area per Dwelling Unit	Minimum required site area per dwelling unit based on net area of the lot.			
	1,000 sq. ft.	1,000 sq. ft.	3,000 sq. ft.	
	No more than 2 units per lot			
Site Coverage	Maximum percentage of the total lot area that may be covered by structures.			
	N/A	N/A	60%	
Floor Area Limit (9) (gross floor area)	1.5 plus 200 sq. ft. (10)	2.0 Citywide (8) 1.5 Corona del Mar (8) (10)	N/A	
Setbacks	The distances below are minimum setbacks required for primary structures. See Section 20.30.110 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. The following setbacks shall apply, unless different requirements are identified on the setback maps in which case the setback maps shall control. (See Part 8 of this title.) Side and rear setback areas shown on the setback maps shall be considered front setback areas for the purpose of regulating accessory structures. Also refer to Section 20.48.180 (Residential Development Standards and Design Criteria).			
Front:	20 ft.	20 ft.	20 ft.	

Side (interior, each):				
Lots 40 ft. wide or less	3 ft.	3 ft.	6 ft.	
Lots 40'1" wide to 49'11" wide	4 ft.	4 ft.	6 ft.	
Lots 50 ft. wide and greater	N/A	4 ft.	6 ft.	
Side (street side):				
Lots 40 ft. wide or less	3 ft. <u>(10)</u>	3 ft.	N/A	
Lots 40'1" wide to 49'11" wide	4 ft.	4 ft.	N/A	
Lots 50 ft. wide and greater	N/A	N/A	6 ft.	
Rear:	10 ft.	10 ft.	6 ft.	Lots abutting a 10 ft. alley or less that are directly across the alley from the side yard of a lot abutting the alley shall provide a setback for the first floor of at least 10 ft. from the alley.
Abutting Alley				
10 ft. wide or less	5 ft.	5 ft.	N/A	
15 ft. wide or less	5 ft.	5 ft.	N/A	
15'1" to 19'11"	3'9"	3'9"	N/A	
20 ft. wide or more	0	0	N/A	
Waterfront	10 ft.	10 ft.	N/A	
Bluff edge setback	As provided in Section 20.28.040 (Bluff (B) Overlay District).			
Bulkhead setback	Structures shall be set back a minimum of 10 ft. from the bulkhead in each zoning district.			
Height (6)	Maximum height of structures without discretionary approval. See Section 20.30.060(C) (Increase in Height Limit) for possible increase in height limit.			
Flat roof	24 ft.	24 ft.	24 ft.	See Section 20.30.060(C) (Increase in Height Limit)
Sloped roof; minimum 3/12 pitch	29 ft.	29 ft.	29 ft.	
Bluffs	See Section 20.28.040 (Bluff (B) Overlay District).			
Fencing	See Section 20.30.040 (Fences, Hedges, Walls and Retaining Walls).			
Landscaping	See Chapter 20.36 (Landscaping Standards).			
Lighting	See Section 20.30.070 (Outdoor Lighting).			
Parking	See Chapter 20.40 (Off-Street Parking).			

Satellite Antennas	See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).
Signs	See Chapter 20.42 (Sign Standards).
Residential Development Standards	See Section 20.48.180.

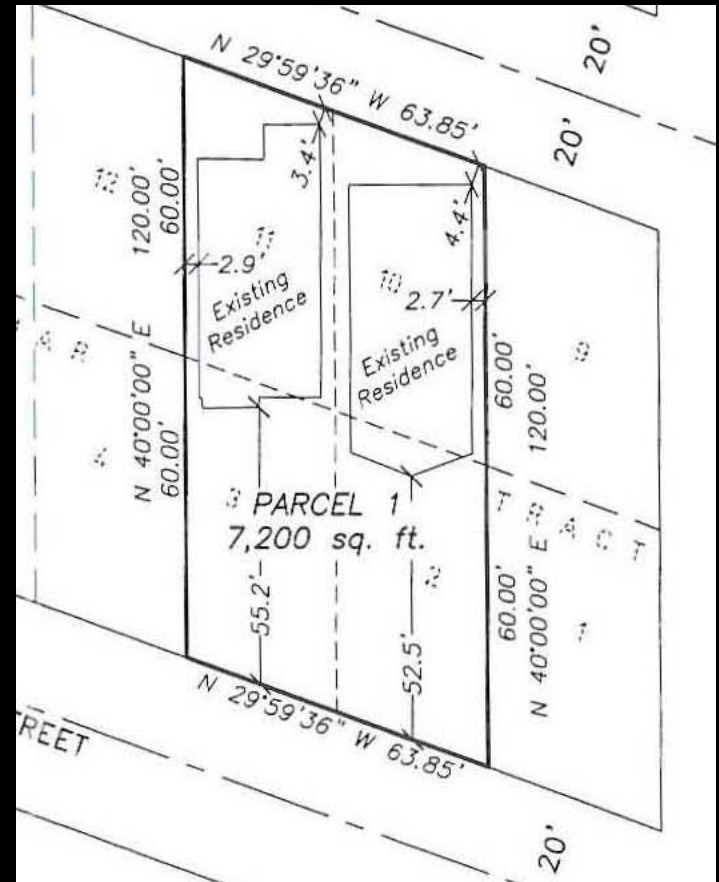
Notes:

- (1) All development and the subdivision of land shall comply with the requirements of Title 19 (Subdivisions).
- (2) Lots may be subdivided so that the resulting lot area and dimensions for each new lot are less than that identified in this table in compliance with the provisions of Title 19 (Subdivisions). The minimum lot size shall not be less than the original underlying lots on the same block face and in the same zoning district. Lot width and length may vary according to the width and depth of the original underlying lots. New subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow are not permitted unless authorized by an amendment of the General Plan (GPA).
- (3) On a site of less than five thousand (5,000) square feet that existed prior to March 10, 1976, a two-family dwelling may be constructed; provided, that there shall be not less than one thousand (1,000) square feet of land area for each dwelling unit.
- (4) The total gross floor area contained in all buildings and structures on a development site shall not exceed 1.75 times the buildable area of the site or 1.5 times the buildable area of the site in Corona del Mar; provided, that up to two hundred (200) square feet of floor area per required parking space devoted to enclosed parking shall not be included in calculations of total gross floor area.
- (5) Interior and street side setback areas are not required to be wider than fifteen (15) feet; however, the side setback area on the street side of a corner lot, where the abutting lot has a reversed frontage, shall not be less than the front setback area required on the abutting reversed frontage.
- (6) On the bluff side of Ocean Boulevard, the maximum height shall not exceed the elevation of the top of the curb abutting the lot.
- (7) Portions of legal lots that have a slope greater than two-to-one (2:1) or that are submerged lands or tidelands shall be excluded from the land area of the lot for the purpose of determining the allowable number of units.
- (8) The floor area of a subterranean basement is not included in the calculation of total gross floor area.
- (9) The maximum gross floor area for a residential structure is determined by multiplying either 1.5 or 2.0 times the buildable area of the lot.
- (10) In the R-BI and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, or West Newport, existing lots reconfigured by a lot merger, lot line adjustment, or parcel map after [EFFECTIVE DATE] that resulted in an increase in the lot width of more than fifty (50) percent, the maximum gross floor area permitted shall not exceed that which existed prior to the reconfiguration.



ADDITIONAL  
MATERIALS  
RECEIVED

# Residential Lot Merger Code Amendment

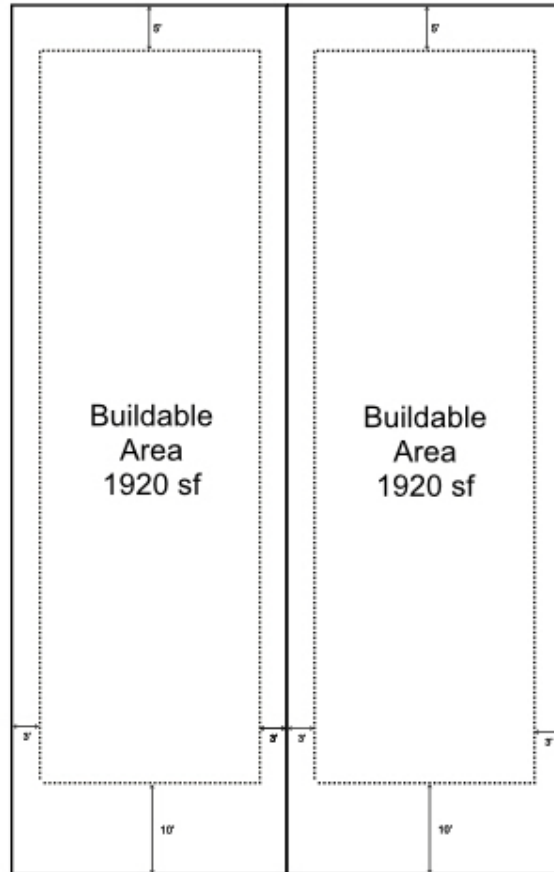


Planning Commission  
Public Hearing  
January 17, 2013

STAFF PRESENTATION (PA2012-102)

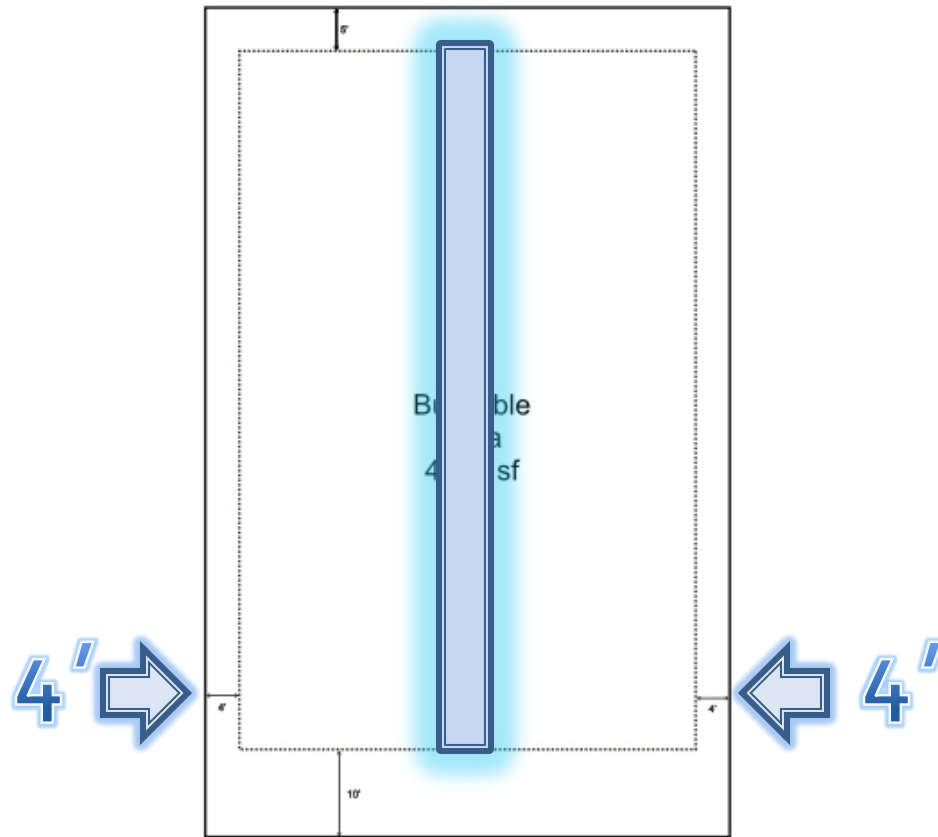


# Example



- Two 30' x 95' lots
- 1920 sf buildable each
- 3840 sf floor area each
- 7680 sf total floor area

# Example



- On 60' x 95' lot
- 4160 sf buildable area
- 8320 sf total floor area
- 8.33% increase

# Table 1

### Table 1

**Corona del Mar** - 30' x 118' lots (3540 sf each) with 20' front setback, 3' side setbacks, and 5' rear setback; 1.5 Floor Area Limit

	<b>2 lots Developed Individually</b>	<b>2 Lots Merged</b>	<b>Increase</b>
Buildable (sf)	4,464	4,836	8.33%
Floor Area (sf)	6,696	7,254	
	<b>3 lots Developed Individually</b>	<b>3 Lots Merged</b>	<b>Increase</b>
Buildable (sf)	6,696	7,626	13.89%
Floor Area (sf)	10,044	11,439	

**Balboa Peninsula** - 30' x 95' lots (2850 sf each) with 10' front setback, 3' side setbacks, and 5' rear setback; 2.0 Floor Area Limit

	<b>2 lots Developed Individually</b>	<b>2 Lots Merged</b>	<b>Increase</b>
Buildable (sf)	3360	3640	8.33%
Floor Area (sf)	6720	7280	
	<b>3 lots Developed Individually</b>	<b>3 Lots Merged</b>	<b>Increase</b>
Buildable (sf)	5,040	5,740	13.89%
Floor Area (sf)	10,080	11,480	

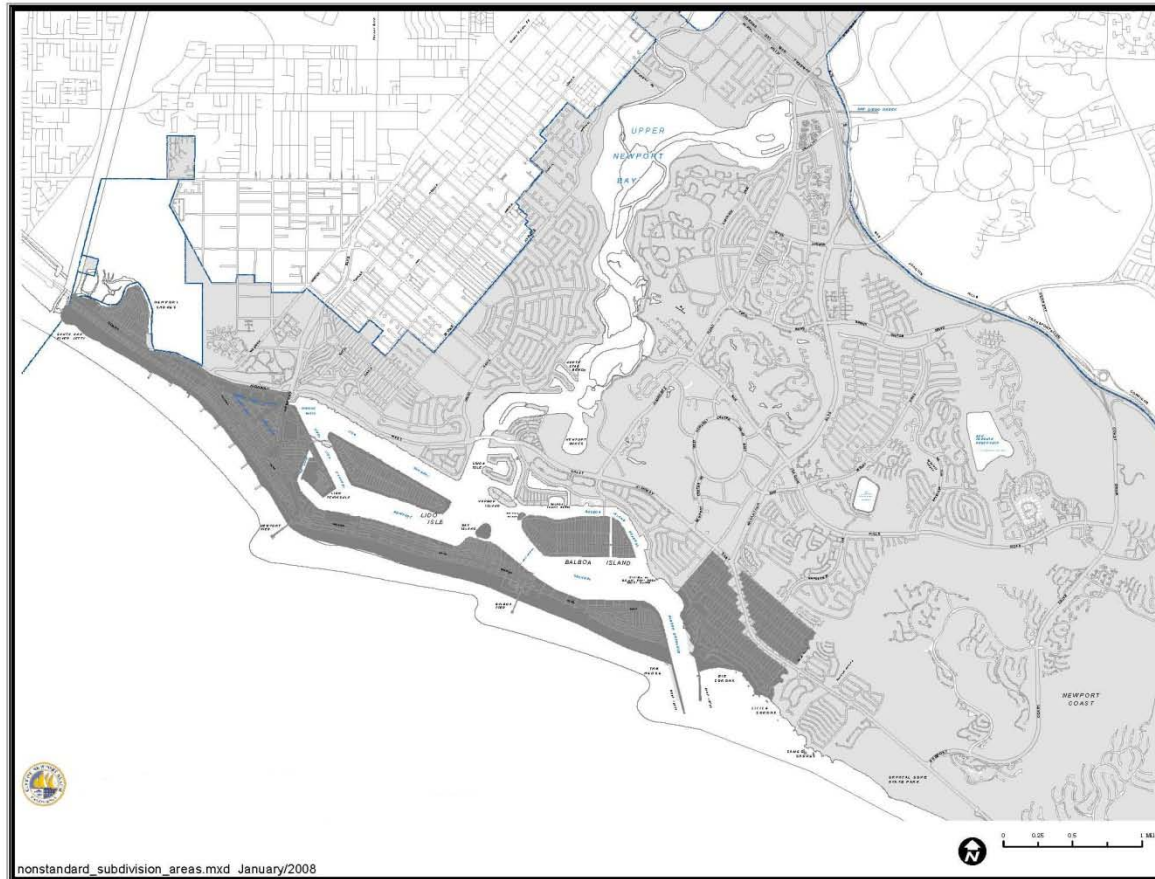
**Balboa Island** - 30' x 85' lots (2550 sf each) with 10' front setback, 3' side setbacks, and 5' rear setback; 1.5 Floor Area Limit

	<b>2 lots Developed Individually</b>	<b>2 Lots Merged</b>	<b>Increase</b>
Buildable (sf)	2880	3120	8.33%
Floor Area (sf)	4320	6240	
	<b>3 lots Developed Individually</b>	<b>3 Lots Merged</b>	<b>Increase</b>
Buildable (sf)	4,320	7,380	13.89%
Floor Area (sf)	6,480	8,505	

# Key Provisions

- Future lot mergers, parcel maps, lot line adj.
- Lot width increase of more than 50 percent
- R-1, R-BI, and R-2 Zoning Districts
- West Newport, Balboa Peninsula, Lido Isle, Balboa Island, Corona del Mar
- No net increase in floor area

# Subject Communities



# Basic text of the proposed regulation/findings

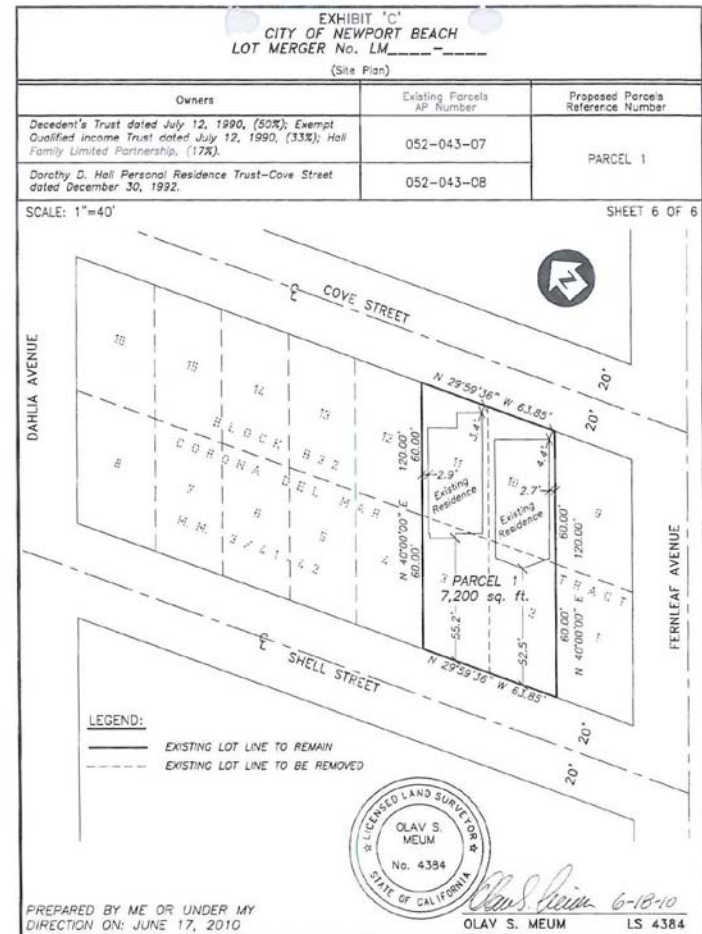
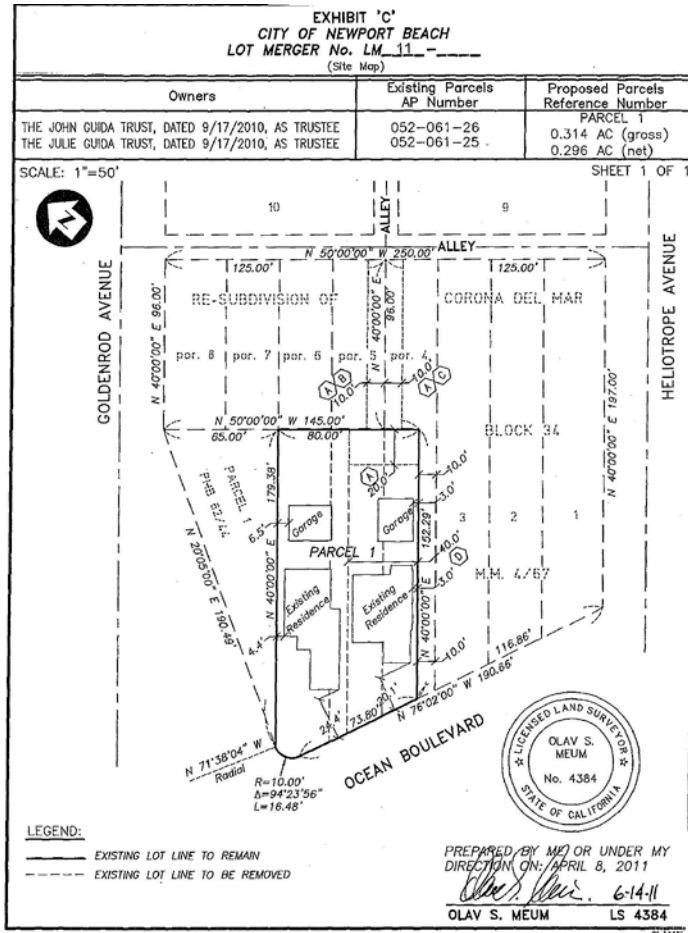
In the R-[\*] Zoning District[s] of Balboa Island, Balboa Peninsula, Corona del Mar, or West Newport: existing lots reconfigured by a lot merger, lot line adjustment, or parcel map after [EFFECTIVE DATE] that resulted in an increase in the lot width of more than fifty percent (50%) on the largest of the lots involved in the reconfiguration, the maximum gross floor area permitted on the lot shall not exceed the aggregate of that which would have otherwise been permitted if these lots were developed individually prior to the reconfiguration.



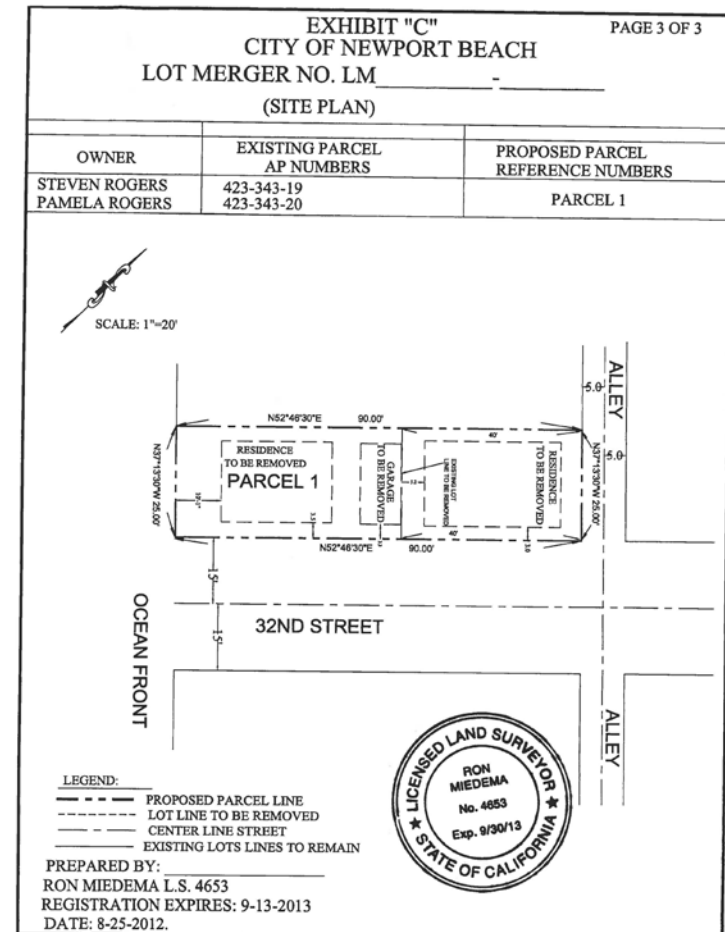
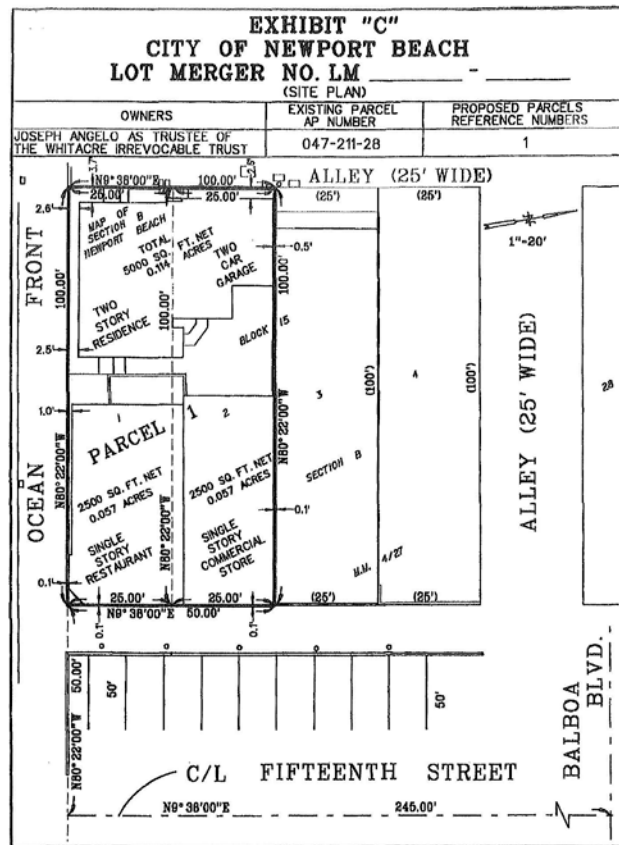
# Increased Setback Alternative

CdM									Max. Floor Area		
No. of Lots	WIDTH	DEPTH	LAND AREA	FRONT	SIDE	SIDE	REAR	BUILDABLE AREA	1	2	3
1	30	118	3540	20 600	3 279	3 279	5 150	2232 1308	3348	6696	10044
CdM - If merged									Max. Floor Area		
No. of Lots	WIDTH	DEPTH	LAND AREA	FRONT	SIDE	SIDE	REAR	BUILDABLE AREA	1	2	3
1	60	118	7080	20 1200	6 558	6 558	5 300	4464 2616		6696	21762
Balboa Peninsula									Max. Floor Area		
No. of Lots	WIDTH	DEPTH	LAND AREA	FRONT	SIDE	SIDE	REAR	BUILDABLE AREA	1	2	3
1	30	95	2850	10 300	3 240	3 240	5 150	1920 930	3840	7680	11520
Balboa Peninsula - If merged									Max. Floor Area		
No. of Lots	WIDTH	DEPTH	LAND AREA	FRONT	SIDE	SIDE	REAR	BUILDABLE AREA	1	2	3
1	60	95	5700	10 600	6 480	6 480	5 300	3840 1860		7680	24960
Balboa Island									Max. Floor Area		
No. of Lots	WIDTH	DEPTH	LAND AREA	FRONT	SIDE	SIDE	REAR	BUILDABLE AREA	1	2	3
1	30	85	2550	10 300	3 210	3 210	5 150	1680 870	2520	5040	7560
Balboa Island - If merged									Max. Floor Area		
No. of Lots	WIDTH	DEPTH	LAND AREA	FRONT	SIDE	SIDE	REAR	BUILDABLE AREA	1	2	3
1	60	85	5100	10 600	6 420	6 420	5 300	3360 1740		5040	16380

# Variables



# Variables





For more information contact:

Patrick J. Alford  
949-644-3235  
[PAlford@newportbeachca.gov](mailto:PAlford@newportbeachca.gov)  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

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**To:** PLANNING\_COMMISSION  
**Subject:** ADDITIONAL MATERIALS RECEIVED  
  
**Importance:** High  
**Sensitivity:** Confidential

Item No. 3b: Additional Materials Received  
Planning Commission January 17, 2013  
Residential Lot Merger Code Amendment (PA2012-102)

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**From:** Denys Oberman [<mailto:dho@obermanassociates.com>]  
**Sent:** Wednesday, January 16, 2013 5:02 PM  
**To:** Brown, Leilani  
**Subject:** Public Comment-Planning Commission for distribution and the record  
**Importance:** High  
**Sensitivity:** Confidential

PLEASE DISTRIBUTE AND ENTER INTO THE PUBLIC RECORD

MEMBERS OF THE PLANNING COMMISSION-  
Re. Public Hearing Item # 3 Residential Lot Merger Code Amendment

We support the position that with a lot merger/reconfiguration there be no greater increase in the maximum amount of floor area—and to mitigate for privacy ,noise and air impacts which would become more adverse if spacing between buildings was not preserved.

Additionally, for Fire code and safety reasons, it IS necessary to maintain the required setbacks to assure safety on a lot by lot basis,  
Regardless of configuration. Nowhere is this more important than the subject sites where there is already an exceptionally high level of density and narrow lots in the residential zones.

Regards,  
Denys H. Oberman, CEO



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**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING CITY COUNCIL ADOPTION OF CODE AMENDMENT NO. CA2012-007 RESTRICTING THE MAXIMUM ALLOWABLE RESIDENTIAL FLOOR AREA ON LOT RECONFIGURATIONS RESULTING IN LOT WIDTH INCREASES OF MORE THAN FIFTY PERCENT (PA2012-102)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

**SECTION 1. STATEMENT OF FACTS.**

1. On August 14, 2012, the City Council initiated an amendment of the Zoning Code and the Subdivision Code that would modify residential development standards so that the future merger of two or more lots in the single-unit and two-unit zoning districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport would result in no net increase in the maximum allowable floor area that existed prior to the merger.
2. A public hearing was held on January 17, 2013, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

**SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

The code amendment is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations) because the properties involved have an average slope of less than 20 percent; and the and proposed amendment would not result in any changes in land use or density.

**SECTION 3. FINDINGS.**

1. Parcel maps, lot line adjustments, and lot mergers can result in the elimination of setback areas resulting in larger buildable areas and potentially larger residential units.
2. The proposed amendment will modify the residential development standards of the R-1, R-BI, and R-2 Zoning Districts so that any existing lot in Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport that has been reconfigured by a lot merger, lot line adjustment, or parcel map that results in an increased lot width of more than fifty) percent (50%) on the largest of the lots involved in the reconfiguration, the maximum gross floor area permitted on the lot shall not exceed the aggregate of that which would have otherwise been permitted if the lots were developed individually prior to the reconfiguration.

**NOW, THEREFORE, BE IT RESOLVED:**

The Planning Commission of the City of Newport Beach hereby recommends approval of Code Amendment No. CA2012-007 as set forth in Exhibit "A."

**PASSED, APPROVED AND ADOPTED THIS \_17th DAY OF JANUARY, 2013.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Michael Toerge, Chairman

BY: \_\_\_\_\_  
Fred Ameri, Secretary

**EXHIBIT A****Code Amendment No. CA2012-007****Section 19.12.070.A**

A. Required Findings for Approval. In approving a tentative tract map or tentative parcel map, the decision making body shall make all of the following findings:

1. That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code;
2. That the site is physically suitable for the type and density of development;
3. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;
4. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems;
5. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision;
6. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land;
7. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) There is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area;



8. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act;
9. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources;
10. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board; ~~and~~
11. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act; ~~and~~
12. For subdivisions involving the reconfiguration of existing lots within the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport, as identified in the Zoning Code: when the reconfiguration results in an increase in the lot width of more than fifty percent (50%) on the largest of the lots involved in the reconfiguration, the maximum gross floor area permitted on this lot shall not exceed the aggregate of that which would have otherwise been permitted if the lots were developed individually prior to the reconfiguration.

#### **Section 19.68.030.H**

H. Required Findings. All of the following findings shall be made prior to approval of a lot merger:

1. Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title; and
2. The lots to be merged are under common fee ownership at the time of the merger; and
3. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan; and
4. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger; and
5. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.

6. Within the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport, as identified in the Zoning Code: when lots as merged result in an increase in the lot width of more than fifty percent (50%), the maximum gross floor area permitted shall not exceed that which would have otherwise been permitted if these lots were developed individually prior to the reconfiguration.

#### **Section 19.76.020.I.6**

6. That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key lot, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street side setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.

A. Within the R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport, as identified in the Zoning Code: when a lot line adjustment results in an increase in the lot width of more than fifty percent (50%) on the largest of the lots involved in the reconfiguration, the maximum gross floor area permitted on the lot shall not exceed the aggregate of that which would have otherwise been permitted if these lots were developed individually prior to the lot line adjustment.

**Section 20.18.030, Table 2-2****TABLE 2-2****DEVELOPMENT STANDARDS FOR SINGLE-UNIT  
RESIDENTIAL ZONING DISTRICTS**

<b>Development Feature</b>	<b>R-A</b>	<b>R-1</b>	<b>R-1- 6,000</b>	<b>R-1- 7,200</b>	<b>R-1- 10,000</b>	<b>Additional Requirements</b>
Lot Dimensions	Minimum dimensions required for each newly created lot.					
Lot Area (1) (2)						
Corner lot	87,120 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	7,200 sq. ft.	10,000 sq. ft.	
Interior lot	87,120 sq. ft.	5,000 sq. ft.	6,000 sq. ft.	7,200 sq. ft.	10,000 sq. ft.	
Lot Width						
Corner lot	125 ft.	60 ft.	60 ft.	70 ft.	90 ft.	
Interior lot	125 ft.	50 ft.	60 ft.	70 ft.	90 ft.	
Lot Depth	N/A	N/A	80 ft.	90 ft.	100 ft.	
Density/Intensity	Each legal lot shall be allowed one single-unit detached dwelling.					
Setbacks	The distances below are minimum setbacks required for primary structures. See Section 20.30.110 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. The following setbacks shall apply, unless different requirements are identified on the setback maps in which case the setback maps shall control. (See Part 8 of this title.) Side and rear setback areas shown on the setback maps shall be considered front setback areas for the purpose of regulating accessory structures. Also refer to Section 20.48.180 (Residential Development Standards and Design Criteria).					
Front:	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20.30.110 20.48.180
Side (interior, each):						20.30.110 20.48.180
Lots 40 ft. wide or less	5 ft.	3 ft. (4)	6 ft.	5 ft.	10 ft.	
Lots wider than 40 ft.	5 ft.	4 ft.	6 ft.	5 ft.	10 ft.	
Side (street side):						20.30.110 20.48.180
Lots 40 ft. wide or less	5 ft.	3 ft.	6 ft.	5 ft.	10 ft.	
Lots wider than 40 ft.	5 ft.	4 ft.	6 ft.	5 ft.	10 ft.	
Rear:	25 ft.	10 ft.	6 ft.	20 ft.	10 ft.	Lots abutting a 10

Abutting Alley:						ft. alley or less that are directly across the alley from the side yard of a lot abutting an alley shall provide a setback for the first floor of at least 10 ft. from the alley.
10 ft. wide or less	N/A	5 ft.	N/A	N/A	N/A	
15 ft. wide or less	N/A	5 ft.	N/A	N/A	N/A	
15'1" to 19'11"	N/A	3'9"	N/A	N/A	N/A	
20 ft. wide or more	N/A	0	N/A	N/A	N/A	
Bluff edge setback	As provided in Section 20.28.040 (Bluff (B) Overlay District).					
Bulkhead setback	Structures shall be set back a minimum of 10 ft. from the bulkhead in each zoning district.					
Site Coverage	Maximum percentage of the total lot area that may be covered by structures.					
Lots 40 ft. wide or less	N/A	N/A	60%	60%	60%	
Lots wider than 40 ft.	40%	N/A	60%	60%	60%	
Floor Area Limit (gross floor area)	N/A		N/A			
Citywide		2.0 (5)(6) (7)				
Corona del Mar		1.5 (5)(6) (7)				
Height (3)	Maximum height of structures without discretionary approval. See Section 20.30.060(C) (Increase in Height Limit) for possible increase in height limit.					
Flat roof	24 ft.	24 ft.	24 ft.	35 ft. and 2 stories	24 ft.	See 20.30.060(C)(2) (Height Limit Areas) and 20.30.060(B) (Height of Structures and Measurement)
Sloped roof; minimum 3/12 pitch	29 ft.	29 ft.	29 ft.	40 ft. and 2 stories	29 ft.	
Bluffs	See Section 20.28.040 (Bluff (B) Overlay District).					
Fencing	See Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls).					
Landscaping	See Chapter 20.36 (Landscaping Standards).					
Lighting	See Section 20.30.070 (Outdoor Lighting).					
Parking	See Chapter 20.40 (Off-Street Parking).					
Satellite Antennas	See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).					
Signs	See Chapter 20.42 (Sign Standards).					

Residential Development Standards	See Section 20.48.180 (Residential Development Standards and Design Criteria).
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## Notes:

- (1) All development and the subdivision of land shall comply with the requirements of Title 19 (Subdivisions).
- (2) Lots may be subdivided so that the resulting lot area and dimensions for each new lot are less than that identified in this table in compliance with the provisions of Title 19 (Subdivisions). The minimum lot size shall not be less than the original underlying lots on the same block face and in the same zoning district. Lot width and length may vary according to the width and depth of the original underlying lots. New subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow are not permitted unless authorized by an amendment of the General Plan (GPA).
- (3) On the bluff side of Ocean Boulevard, the maximum height shall not exceed the elevation of the top of the curb abutting the lot.
- (4) Side setback areas for lots designated Special Fire Protection Areas shall be a minimum of five feet unless reduced by the Fire Marshal.
- (5) The floor area of a subterranean basement is not included in the calculation of total gross floor area.
- (6) The maximum gross floor area for a residential structure is determined by multiplying either 1.5 or 2.0 times the buildable area of the lot.
- (7) In the R-1 Zoning District of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, or West Newport: existing lots reconfigured by a lot merger, lot line adjustment, or parcel map after [EFFECTIVE DATE] that results in an increase in the lot width of more than fifty percent (50%) on the largest of the lots involved in the reconfiguration, the maximum gross floor area permitted on the lot shall not exceed the aggregate of that which would have otherwise been permitted if these lots were developed individually prior to the reconfiguration.

**TABLE 2-3****DEVELOPMENT STANDARDS FOR TWO-UNIT AND MULTI-UNIT  
RESIDENTIAL ZONING DISTRICTS**

<b>Development Feature</b>	<b>R-BI</b>	<b>R-2</b>	<b>R-2-6,000</b>	<b>Additional Requirements</b>
Lot Dimensions	Minimum dimensions required for each newly created lot.			
Lot Area (1) (2) (3)				
Corner lot	2,375 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	
Interior lot	2,375 sq. ft.	5,000 sq. ft.	6,000 sq. ft.	
Lot Width				
Corner lot	60 ft.	60 ft.	60 ft.	
Interior lot	50 ft.	50 ft.	60 ft.	
Lot Depth	N/A	N/A	80 ft.	
Site Area per Dwelling Unit	Minimum required site area per dwelling unit based on net area of the lot.			
	1,000 sq. ft.	1,000 sq. ft.	3,000 sq. ft.	
	No more than 2 units per lot			
Site Coverage	Maximum percentage of the total lot area that may be covered by structures.			
	N/A	N/A	60%	
Floor Area Limit (9) (gross floor area)	1.5 plus 200 sq. ft. (10)	2.0 Citywide (8) 1.5 Corona del Mar (8) (10)	N/A	
Setbacks	The distances below are minimum setbacks required for primary structures. See Section 20.30.110 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. The following setbacks shall apply, unless different requirements are identified on the setback maps in which case the setback maps shall control. (See Part 8 of this title.) Side and rear setback areas shown on the setback maps shall be considered front setback areas for the purpose of regulating accessory structures. Also refer to Section 20.48.180 (Residential Development Standards and Design Criteria).			
Front:	20 ft.	20 ft.	20 ft.	

Side (interior, each):				
Lots 40 ft. wide or less	3 ft.	3 ft.	6 ft.	
Lots 40'1" wide to 49'11" wide	4 ft.	4 ft.	6 ft.	
Lots 50 ft. wide and greater	N/A	4 ft.	6 ft.	
Side (street side):				
Lots 40 ft. wide or less	3 ft. <u>(10)</u>	3 ft.	N/A	
Lots 40'1" wide to 49'11" wide	4 ft.	4 ft.	N/A	
Lots 50 ft. wide and greater	N/A	N/A	6 ft.	
Rear:	10 ft.	10 ft.	6 ft.	Lots abutting a 10 ft. alley or less that are directly across the alley from the side yard of a lot abutting the alley shall provide a setback for the first floor of at least 10 ft. from the alley.
Abutting Alley				
10 ft. wide or less	5 ft.	5 ft.	N/A	
15 ft. wide or less	5 ft.	5 ft.	N/A	
15'1" to 19'11"	3'9"	3'9"	N/A	
20 ft. wide or more	0	0	N/A	
Waterfront	10 ft.	10 ft.	N/A	
Bluff edge setback	As provided in Section 20.28.040 (Bluff (B) Overlay District).			
Bulkhead setback	Structures shall be set back a minimum of 10 ft. from the bulkhead in each zoning district.			
Height (6)	Maximum height of structures without discretionary approval. See Section 20.30.060(C) (Increase in Height Limit) for possible increase in height limit.			
Flat roof	24 ft.	24 ft.	24 ft.	See Section 20.30.060(C) (Increase in Height Limit)
Sloped roof; minimum 3/12 pitch	29 ft.	29 ft.	29 ft.	
Bluffs	See Section 20.28.040 (Bluff (B) Overlay District).			
Fencing	See Section 20.30.040 (Fences, Hedges, Walls and Retaining Walls).			
Landscaping	See Chapter 20.36 (Landscaping Standards).			
Lighting	See Section 20.30.070 (Outdoor Lighting).			
Parking	See Chapter 20.40 (Off-Street Parking).			

Satellite Antennas	See Section 20.48.190 (Satellite Antennas and Amateur Radio Facilities).
Signs	See Chapter 20.42 (Sign Standards).
Residential Development Standards	See Section 20.48.180.

## Notes:

- (1) All development and the subdivision of land shall comply with the requirements of Title 19 (Subdivisions).
- (2) Lots may be subdivided so that the resulting lot area and dimensions for each new lot are less than that identified in this table in compliance with the provisions of Title 19 (Subdivisions). The minimum lot size shall not be less than the original underlying lots on the same block face and in the same zoning district. Lot width and length may vary according to the width and depth of the original underlying lots. New subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow are not permitted unless authorized by an amendment of the General Plan (GPA).
- (3) On a site of less than five thousand (5,000) square feet that existed prior to March 10, 1976, a two-family dwelling may be constructed; provided, that there shall be not less than one thousand (1,000) square feet of land area for each dwelling unit.
- (4) The total gross floor area contained in all buildings and structures on a development site shall not exceed 1.75 times the buildable area of the site or 1.5 times the buildable area of the site in Corona del Mar; provided, that up to two hundred (200) square feet of floor area per required parking space devoted to enclosed parking shall not be included in calculations of total gross floor area.
- (5) Interior and street side setback areas are not required to be wider than fifteen (15) feet; however, the side setback area on the street side of a corner lot, where the abutting lot has a reversed frontage, shall not be less than the front setback area required on the abutting reversed frontage.
- (6) On the bluff side of Ocean Boulevard, the maximum height shall not exceed the elevation of the top of the curb abutting the lot.
- (7) Portions of legal lots that have a slope greater than two-to-one (2:1) or that are submerged lands or tidelands shall be excluded from the land area of the lot for the purpose of determining the allowable number of units.
- (8) The floor area of a subterranean basement is not included in the calculation of total gross floor area.
- (9) The maximum gross floor area for a residential structure is determined by multiplying either 1.5 or 2.0 times the buildable area of the lot.
- (10) In the R-BI and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, or West Newport: existing lots reconfigured by a lot merger, lot line adjustment, or parcel map after [EFFECTIVE DATE] that resulted in an increase in the lot width of more than fifty percent (50%) on the largest of the lots involved in the reconfiguration, the maximum gross floor area permitted on the lot shall not exceed the aggregate of that which would have otherwise been permitted if these lots were developed individually prior to the reconfiguration.